



Docket No.: UMY-034
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Stevenson Mario *et al.*

Application No.: 10/722,689

Confirmation No.: 3913

Filed: November 24, 2003

Art Unit: 1635

For: MODULATION OF HIV REPLICATION BY
RNA INTERFERENCE

Examiner: Schnizer, Richard A.

**DECLARATION OF MARIO STEVENSON AND JEAN-MARC JACQUE UNDER
37 C.F.R. §1.131**

We, Mario Stevenson and Jean-Marc Jacque, state and declare the following:

1. We are co-inventors of the above-identified patent application.
2. This Declaration is submitted as evidence that the subject matter claimed in the above-identified application was invented prior to March 25, 2002.
3. We co-authored a manuscript together with Karine Triques which was published as Jacque et al., *Nature*, 418: 435-438 (2002) on July 25, 2002 (referred to herein as the "Jacque et al. publication"). A copy of the Jacque et al. publication is attached hereto as **Exhibit A**.
4. A draft manuscript of the Jacque et al. publication was prepared prior to March 25, 2002 and was submitted to the journal *Nature* for editorial review (herein, "draft manuscript"). The draft manuscript was received by *Nature* on March 25, 2002.
5. The draft manuscript is substantially the same as the published manuscript. In particular, Figures 1-3 of the draft manuscript and their accompanying description are substantially the same as Figures 1-3 of the Jacque et al. publication and their accompanying description.
7. Figure 1 of the draft manuscript and its accompanying description demonstrate that siRNAs of the invention inhibit late events in HIV replication by promoting degradation of HIV-1 RNA.

8. Figure 2 of the draft manuscript and its accompanying description demonstrate that siRNAs of the invention block early events in HIV replication by promoting degradation of genomic HIV RNA.
9. Figure 3 of the draft manuscript and its accompanying description demonstrate that siRNAs of the invention derived from plasmid DNA templates also effectively inhibit HIV replication.
10. Figures 1-3 of the draft manuscript and their accompanying description accurately describe the invention we made prior to March 25, 2002 and provide support for currently pending claims in the above-identified application.
11. Accordingly, this Declaration establishes a date of invention for the above-identified application at least as early as March 25, 2002.

We, the undersigned, declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this document and any patent which may issue from the above-identified patent application.

Mario Stevenson

Dr. Mario Stevenson

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Date

Dr. Jean-Marc Jacque

Date



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Dr. Mario Stevenson

Date



Dr. Jean-Marc Jacque



Date